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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,014	08/26/2003	David Dennis Latham	16210-US	3470
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DEERE & COMPANY				
ONE JOHN DEERE PLACE				
MOLINE, IL 61265				
EXAMINER				
UNDERWOOD, DONALD W				
ART UNIT		PAPER NUMBER		
3652				
MAIL DATE		DELIVERY MODE		
03/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,014

Applicant(s)

LATHAM ET AL.

Examiner

Donald Underwood

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-13, 15, 16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-13, 15, 16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The receipt of amended figure 5, together with figure 7 on a single sheet, is acknowledged. This sheet has been approved.

Figures 8 and 9 still stand disapproved since they are duplicates of figures 3 and 5.

The amendments to paragraphs 0010 and 0012 comprise new matter and/or are repetitive and should be deleted, as should the descriptions of these figures in the specification. The original disclosure does not support alternately relocating the pin holes 103 and 106 and attachment holes 109a and 109b.

Applicants' arguments regarding paragraphs 0003-0005 have been carefully considered but are not deemed persuasive since these paragraphs fail to support the detailed structure in the amendments.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 9-13, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apgar, et al. or Abe, et al. as applied and for the reasons set forth in paragraph 5 of the Office action mailed 07/15/05 and further in view of the following comments.

The use of the word alternate denotes no more than another like support or linkage. It would have been obvious to provide like replacement supports and linkages

for replacement of the original if the original were damaged since this is well known in the vehicle industry.

Claims 7, 19, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, et al. in view of Mandon as applied and for the reasons set forth in paragraph 6 of the Office action mailed 07/15/05 and the comments set forth in the above rejection.

Claims 1-6, 9-13, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apgar, et al. or Abe, et al. in view of Gilstrap or Schwalenberg, et al. as applied in the Office action mailed 07/16/07 and the comments set forth in the first rejection above.

Claims 7, 19, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, Et al. in view of Gilstrap or Schwalenberg, et al. as applied to claims 1 and 16 above, and further in view of Mandon.

It would have been obvious to use any conventional boom on the frame in Abe including one as taught by Mandon.

Regarding claim 19, lever 68 in Mandon is shaped like lever 83 in applicant's figure 2.

Regarding claim 21, Abe's pin support comprises a space which broadly comprises a hole.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Apgar, et al. or Abe, et al. as applied to claim 12 above, and further in view of WO/47833.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Apgar, et al. or Abe, et al. in view of Gilstrap or Schwalenberg as applied to claims 12 above, and further in view of WO/47833 as applied in the preceding rejection.

Applicants' arguments have been carefully considered but are not deemed persuasive since applicants' claims set forth an alternate linkage and support and alternate in its broadest sense may be no more than another similar structure giving a person the choice to use either. The specification sets forth a different configuration or a different link pin configuration (paragraph 0005) but the drawing fails to show and the claims fail to set forth a different configuration.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Underwood whose telephone number is 571-272-6933. The examiner can normally be reached on Mon-Thursday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald Underwood/
Primary Examiner, Art Unit 3652

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